IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 604 OF 2007

Zahir Suleman Lakdawala ...Appellant
V/s.
The State of Maharashtra ...Respondent

Mr.Jayesh A. Vithali for the Appellant.
Mr.Y.M. Nakhawa, APP for the State.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 30, 2007

P.C. :-

. This is an appeal for return of the property which is seized from the appellant during investigation. The appellant is the original accused no.2 and he alongwith other accused were charged for an offence punishable under Section 489B, C read with 34 of the IPC. The other accused were convicted for the said offences. However, the appellant was acquitted. The trial Court directed that articles 2 to 5 were worthless and they were to be destroyed after appeal period is over.

2. The learned Counsel for the appellant submits

that the said articles be returned to him. He invited my attention to the letter written by the Senior Inspector of Police, Santacruz Police Station, to the Public Prosecutor, Sessions Court, Sewree, in which he has stated that he has no objection for returning of the articles.

3. In my view, these articles were seized from the custody of the appellant. He was even acquitted by the trial Court. The ornaments are as under :-

1) Bag - Article No.2,
2) 7 Passports - Article No.3,
3) 2 Cassettes - Article No.4,
4) Visiting Cards with photographs - Article No.5.

4. In my view, article Nos.2, 4 and 5 may be returned. So far as article no.3 is concerned, out of the seven passports, passport of the appellant may be returned. Rest of the passports can be retained by the prosecution.

. Appeal is allowed in the above terms.

(V.M. KANADE, J.)